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Los Angeles Superior Court

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

SURESHCHANDRA N. PATEL, an individual;
BHAVNABEN S. PATEL, an individual; SURESH
BHAVNA SC, LLC, a California Limited Liability
Company; BHAVNA SURESH LA, LLC, a
California Limited Liability Company; FOUR STAR
MOTEL CORP., a California Corporation;
SHOWTIME MOTEL CORP., a California
Corporation; and DOES 1 through 50, inclusive,

Defendants.

BC 657745

Case No.:

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE
SECTION 11570, ET SEQ.; CIVIL
CODE SECTION 3479, ET SEQ.;
BUS. & PROF. CODE SECTION
17200, ET SEQ.]

[Unlimited Action]

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2 **I. INTRODUCTION**

3 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
4 State of California ("People"), for the purpose of abating, preventing, and enjoining narcotics-
5 related public nuisances that exist at two motels within the City of Los Angeles: the 4 Star
6 Motel and the Showtime Motel (collectively, the "Motels"). The 4 Star Motel is located on the
7 corner of 74th Street and Figueroa Street in South Los Angeles with an address commonly
8 known as 7400 South Figueroa Street, Los Angeles, CA 90003 ("4 Star"). The Showtime
9 Motel is located in Studio City with an address commonly known as 11122 Ventura Boulevard,
10 Studio City, CA 91604 ("Showtime"). This Action is brought pursuant to the Narcotics
11 Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.*; the Public
12 Nuisance Law ("PNL"), California Civil Code sections 3479-3480; and the Unfair Competition
13 Law ("UCL"), California Business and Professions Code section 17200, *et seq.*

14 2. 4 Star consists of approximately 18 units housed in a two-story building with a
15 narrow driveway leading to a parking lot. All units are accessed from the parking lot. 4 Star is
16 located within half a mile of four elementary schools (75th St. Elementary School, Miller
17 Elementary School, 68th St. Elementary School, and St. Raphael Elementary School), one
18 middle school (Bethune Middle School), and two churches (Faith & Hope Community Church
19 and Faith Church of God in Christ). Around the corner from 4 Star on 74th Street is a block
20 with residential homes.

21 3. Showtime consists of approximately 12 units housed in a single-story building
22 that surrounds a parking lot. At least three of the units have access from Ventura Boulevard
23 with a lattice fence erected to shield from view the access points to those units. The remaining
24 units have access from the parking lot. Showtime is located within a half mile of North
25 Weddington Park Community Center, South Weddington Park, Rio Vista Elementary School,
26 and a Senior Living Community.

27 4. Plaintiff is informed and believes, and thereon alleges, that the Motels have been
28 a magnet for criminal activity for well over a decade. Since 2002 to the present, at least 130

1 arrests or criminal incidents—many of them involving violence and some of which are gang-
2 related—have occurred at the Motels. The narcotics and nuisance activity at the Motels is
3 continuous and ongoing. The Motels are well known to the Los Angeles Police Department
4 (“LAPD”) as nuisance locations due to the numerous calls for service, police investigative
5 reports the Motels have generated, and many community complaints regarding the nuisance
6 activity at the Motels. For years, the Motels have been a blight to their respective surrounding
7 communities and an immense drain on LAPD resources, as they regularly attract and host
8 individuals who sell and/or use narcotics, commit violent crimes such as robberies, sexual
9 assaults, assaults with a deadly weapon, and batteries, as well as prostitutes and pimps, all of
10 whom use the Motels freely to carry out their transactions. A recent Yelp review by a guest
11 describes a narcotics implement the guest found in the bathroom of a room at Showtime
12 shortly after checking in: “I decided to stay here last minute cuz it was already almost 2 a.m.!!!
13 So I just immediately went to sleep upon entering the room, but I wake up around 9 & use the
14 bathroom only to find a USED SYRINGE W/ A DIRTY SPOON NEXT TO IT!!!!”

15 5. Law enforcement agencies have met with Defendants SURESHCHANDRA N.
16 PATEL and/or BHAVNABEN S. PATEL (collectively, the “Patel Defendants”), who not only
17 own and operate the Motels but are also the record owners of the real properties at which the
18 Motels are located, regarding the criminal activity at the Motels and have discussed steps to
19 abate the nuisance activity thereon. Despite numerous meetings and correspondence, and
20 despite the fact that the Patel Defendants are often physically present at the Motels to witness
21 the nuisance activity, the Motels continue to be the epicenter of such activity. It is clear that
22 the Patel Defendants are unwilling to take the steps necessary to abate the unlawful nuisance
23 activity occurring at the Motels.

24 6. This Action is intended to ameliorate the unacceptable state of affairs at the
25 Motels; to make the Motels inhospitable to the criminal element that uses the Motels to
26 facilitate criminal activities; and to make the Motels safe for the people who live and/or do
27 business in the surrounding area and for the Motels’ unsuspecting, law-abiding guests.
28 \ \

II. THE PARTIES AND THE PROPERTY

A. The Plaintiff

7. Plaintiff, the People, is the sovereign power of the State of California designated in California Health and Safety Code section 11571 and California Code of Civil Procedure section 731 to be the complaining party in actions brought to abate, enjoin, and penalize narcotics nuisances and public nuisances, respectively. Furthermore, the City of Los Angeles has a population in excess of 750,000, and as such, California Business and Professions Code section 17204 authorizes Plaintiff, the People, to prosecute actions for relief under Business and Professions Code section 17200, *et seq.* for unfair competition.

B. The Defendants

8. Defendants SURESHCHANDRA N. PATEL and BHAVNABEN S. PATEL have been the record owners of the real properties where 4 Star and Showtime are located since at least July 31, 1997, and November 16, 2001, respectively.

9. Plaintiff is informed and believes, and thereon alleges, that the Patel Defendants have also owned and/or operated 4 Star since at least July 1997 to the present under various entities, including Defendant FOUR STAR MOTEL CORP., a California corporation, and Defendant BHAVNA SURESH LA, LLC, a California limited liability company (the Patel Defendants, Defendant FOUR STAR CORP., and Defendant BHAVNA SURESH LA, LLC will collectively be referred to as "4 Star Defendants").

10. Plaintiff similarly is informed and believes, and thereon alleges, that the Patel Defendants have owned and/or operated Showtime since at least November 1998 to the present under various entities, including Defendant SHOWTIME MOTEL CORP., a California corporation, and Defendant SURESH BHAVNA SC, LLC, a California limited liability company (the Patel Defendants, Defendant SHOWTIME MOTEL CORP., and Defendant SURESH BHAVNA SC, LLC will collectively be referred to as "Showtime Defendants").

11. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names pursuant to section 474 of the California Code of Civil Procedure. Each such

1 defendant is responsible in some manner for conducting, maintaining, or directly or indirectly
2 permitting the unlawful activities and acts complained of herein. When the true names and
3 capacities of said defendants have been ascertained, Plaintiff will seek leave of Court to
4 amend this complaint and to insert in lieu of such fictitious names the true names and
5 capacities of said fictitiously named defendants.

6 **C. The Properties**

7 12. The commonly known address of 4 Star is 7400 South Figueroa Street, Los
8 Angeles, CA 90003. The legal description of the real property upon which 4 Star lies is: "Lot
9 'O' and the South 3.33 feet of Lot 'N' of Davis Figueroa Street Tract, in the City of Los Angeles,
10 County of Los Angeles, State of California, as per Map recorded in Book 5, Page 102 of Maps,
11 in the Office of the County Recorder of said County. EXCEPT the Westerly 20 feet thereof
12 condemned for widening Figueroa Street. ALSO EXCEPT the Easterly 15 feet thereof
13 condemned for an alley way," with Assessor's Parcel Number 6020-031-009.

14 13. The commonly known address of Showtime is 11122 Ventura Boulevard, Studio
15 City, CA 91604. The legal description of the real property upon which Showtime lies is: "Lots
16 40, 41 and 42 of Tract No. 5820, in the City of Los Angeles, County of Los Angeles, State of
17 California, as per map recorded in Book 64 Page(s) 97 of Maps, in the Office of the County
18 Recorder of said County," with Assessor's Parcel Number 2378-009-009.

19 **III. THE NARCOTICS ABATEMENT LAW**

20 14. The abatement of a nuisance is a long established and well-recognized exercise
21 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
22 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
23 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
24 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
25 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
26 division" (Health & Saf. Code, § 11570.)

27 15. The NAL provides that every building or place used for the purpose of unlawfully
28 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,

precursor, or analog, *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

16. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent, and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

17. Health and Safety Code section 11573(a) provides that: "If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or abetting the nuisance and for the closure of the building for up to one year.

IV. THE PUBLIC NUISANCE LAW

18. Civil Code section 3479 defines a public nuisance as "[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . public park, square, street, or highway . . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479. . .").)

19. Civil Code section 3480 defines a public nuisance as "one which affects at the

1 same time an entire community or neighborhood, or any considerable number of persons,
2 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

3 20. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and
4 boisterous conduct which creates a "hooligan-like atmosphere" constitutes a public nuisance.
5 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

6 21. Civil Code section 3491 provides for the methods by which public nuisances
7 such as those alleged herein may be abated. Civil Code section 3491 states that the
8 "remedies against a public nuisance are indictment or information, a civil action or abatement."
9 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
10 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*
11 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established
12 that in proper cases injunctive relief which accomplishes the purposes of abatement without its
13 harsh features is permissible.").)

14 22. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
15 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
16 in the name of the people of the State of California to abate a public nuisance . . . by the city
17 attorney of any town or city in which such nuisance exists."

18 23. Where "a building or other property is so used as to make it a nuisance under the
19 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
20 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
21 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
22 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*
23 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such
24 nuisance was conducted and maintained on the premises in question, regardless of the
25 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
26 unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . .
27 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
28 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in

1 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
2 having been found, supports the judgment.”.) This is because “the object of the act is not to
3 punish; its purpose is to effect a reformation of the property itself.” (*People v. Bayside Land*
4 *Co.* (1920) 48 Cal.App. 257, 261.)

5 V. UNFAIR COMPETITION LAW

6 24. The practices forbidden by California’s Unfair Competition Law at Business and
7 Professions Code section 17200 *et seq.* include any practices forbidden by law, be they
8 criminal, federal, state, municipal, statutory, regulatory, or court-made. As the California
9 Supreme Court has explained, the UCL “borrows violations of other laws and treats them as
10 unlawful practices independently actionable under section 17200 *et seq.*” (*South Bay*
11 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
12 citations and quotation marks omitted).)

13 25. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes anything that
14 can properly be called a business practice and that at the same time is forbidden by law.”
15 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. “Any
16 person performing or proposing to perform an act of unfair competition may be enjoined”
17 (Bus. & Prof. Code, § 17203.) The term “person” includes “natural persons, corporations,
18 firms, partnerships, joint stock companies, associations and other organizations of persons.”
19 (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200’s net beyond direct
20 liability to include common law doctrines of secondary liability where the liability of each
21 defendant is predicated on his or her personal participation in the unlawful practices. (*People*
22 *v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int’l Service Ass’n* (2002) 95
23 Cal.App.4th 952, 960.)

24 26. Civil actions under the UCL may be brought in the name of the People of the
25 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
26 & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to
27 section 17200 based on violations of its own municipal code, state law, or other local
28 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-

1 339.)

2 27. Defendants engaging in violations of the UCL may be enjoined in any court of
3 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
4 judgments, including appointment of a receiver, as may be necessary to prevent the use or
5 employment by any person of any practice constituting unfair competition. (*Id.*)

6 28. Although no case has specifically been called upon to define the term "business"
7 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
8 as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*
9 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
10 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
11 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
12 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
13 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

14 29. Further, the ownership and operation of a motel is a business. (See *Clark v. City*
15 *of San Pablo* (1969) 270 Cal.App.2d 121, 125.) Thus, when a property owner conducts,
16 maintains or permits a nuisance that is unlawful under the NAL and/or PNL to exist on the
17 premises of such a business, it is a violation of the UCL. (See *San Francisco v. Sainez* (2000)
18 77 Cal.App.4th 1302, 1323.)

19 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT – 4 STAR**
20 **[Health and Safety Code Section 11570, et seq. – Against 4 Star Defendants and DOES 1**
21 **Through 50]**

22 30. Plaintiff hereby incorporates by reference paragraphs 1 through 29 of this
23 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

24 31. 4 Star has been used from an exact date unknown but since at least 2008, and is
25 currently being used for the purposes of unlawfully selling, serving, storing, keeping,
26 manufacturing, or giving away controlled substances in violation of Health and Safety Code
27 section 11570, et seq. From 2008 to the present, the narcotics activity at 4 Star has been
28 continuous and ongoing. Further, 4 Star's community reputation is as a location where

1 narcotics is used and sold.

2 32. 4 Star Defendants and DOES 1 through 50 are responsible for conducting,
3 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
4 no plain, speedy, and adequate remedy at law, and unless 4 Star Defendants and DOES 1
5 through 50 are restrained and enjoined by order of this Court, they will continue to use, occupy
6 and maintain, and/or to aid, abet, or permit, directly or indirectly, the use, occupation, and
7 maintenance of 4 Star, together with the fixtures and appurtenances located therein, for the
8 nuisance complained of herein, to the great and irreparable damage of the public and in
9 violation of California law.

10 **VII. SECOND CAUSE OF ACTION FOR NARCOTICS ABATEMENT – SHOWTIME**
11 **[Health and Safety Code Section 11570, *et seq.* – Against Showtime Defendants and**
12 **DOES 1 Through 50]**

13 33. Plaintiff hereby incorporates by reference paragraphs 1 through 32 of this
14 Complaint and makes them part of the Second Cause of Action, as if fully set forth herein.

15 34. Showtime has been from an exact date unknown but since at least 2002, and is
16 currently being used for the purposes of unlawfully selling, serving, storing, keeping,
17 manufacturing, or giving away controlled substances in violation of Health and Safety Code
18 section 11570, *et seq.* From 2002 to the present, the narcotics activity at Showtime has been
19 continuous and ongoing. Further, Showtime's community reputation is as a location where
20 narcotics is used and sold.

21 35. Showtime Defendants and DOES 1 through 50 are responsible for conducting,
22 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
23 no plain, speedy, and adequate remedy at law, and unless Showtime Defendants and DOES 1
24 through 50 are restrained and enjoined by order of this Court, they will continue to use, occupy
25 and maintain, and/or to aid, abet, or permit, directly or indirectly, the use, occupation, and
26 maintenance of Showtime, together with the fixtures and appurtenances located therein, for
27 the nuisance complained of herein, to the great and irreparable damage of the public and in
28 violation of California law.

1 **VIII. THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE – 4 STAR**

2 **[Civil Code Section 3479, et seq. – Against 4 Star Defendants and DOES 1 Through 50]**

3 36. Plaintiff incorporates by reference Paragraphs 1 through 35 of this Complaint and
4 makes them part of this Third Cause of Action as though fully set forth herein.

5 37. Since at least 2003 through the present time, 4 Star Defendants and DOES 1
6 through 50 have owned, operated, occupied, used, and/or directly or indirectly permitted to be
7 occupied and used, 4 Star in such a manner as to constitute a public nuisance in violation of
8 Civil Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to
9 health, indecent or offensive to the senses, and/or an obstruction to the free use of property,
10 so as to substantially and unreasonably interfere with the comfortable enjoyment of life or
11 property by those persons living in the surrounding community. The public nuisance at and
12 connected to 4 Star is evidenced by the aforementioned criminal acts, some of which are
13 gang-related, since 2003 and consists of but is not limited to: batteries; assaults with deadly
14 weapons; robberies; pimping and prostitution; and illegal narcotics sales, storage, and/or
15 distribution.

16 38. 4 Star Defendants and DOES 1 through 50, in owning, conducting, maintaining,
17 and/or permitting the use of 4 Star, directly or indirectly, as a public nuisance, have engaged in
18 wrongful conduct and caused a serious threat to the general health, safety, and welfare of the
19 persons in the area surrounding 4 Star.

20 39. Unless 4 Star Defendants and DOES 1 through 50 are restrained and enjoined
21 by order of this Court, they will continue to use, occupy and maintain, and to aid, abet, or
22 permit, directly or indirectly, the use, occupation, and maintenance of 4 Star, together with the
23 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
24 and irreparable damage of Plaintiff and in violation of California law.

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1 IX. **FOURTH CAUSE OF ACTION FOR PUBLIC NUISANCE – SHOWTIME**

2 **[Civil Code Section 3479, et seq. – Against Showtime Defendants**

3 **and DOES 1 Through 50]**

4 40. Plaintiff incorporates by reference Paragraphs 1 through 39 of this Complaint and
5 makes them part of this Fourth Cause of Action as though fully set forth herein.

6 41. Since at least 2002 through the present time, Showtime Defendants and DOES 1
7 through 50 have owned, operated, occupied, used, and/or directly or indirectly permitted to be
8 occupied and used Showtime in such a manner as to constitute a public nuisance in violation
9 of Civil Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to
10 health, indecent or offensive to the senses, and/or an obstruction to the free use of property,
11 so as to substantially and unreasonably interfere with the comfortable enjoyment of life or
12 property by those persons living in the surrounding community. The public nuisance at and
13 connected to Showtime is evidenced by the aforementioned criminal acts since 2002 and
14 consists of but is not limited to: sexual assaults; batteries; assaults with deadly weapons;
15 robberies; burglaries, prostitution; and illegal narcotics sales, storage, and/or distribution.

16 42. Showtime Defendants and DOES 1 through 50, in owning, conducting,
17 maintaining, and/or permitting the use of Showtime, directly or indirectly, as a public nuisance,
18 have engaged in wrongful conduct and caused a serious threat to the general health, safety,
19 and welfare of the persons in the area surrounding Showtime.

20 43. Unless Showtime Defendants and DOES 1 through 50 are restrained and
21 enjoined by order of this Court, they will continue to use, occupy and maintain, and to aid,
22 abet, or permit, directly or indirectly, the use, occupation, and maintenance of Showtime,
23 together with the fixtures and appurtenances located therein, for the purpose complained of
24 herein, to the great and irreparable damage of Plaintiff and in violation of California law.

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1 X. **FIFTH CAUSE OF ACTION FOR UNFAIR COMPETITION – 4 STAR**
2 **[Business and Professions Code Section 17200, et seq. – Against 4 Star Defendants**
3 **and DOES 1 Through 50]**

4 44. Plaintiff hereby incorporates by reference paragraphs 1 through 43 of this
5 Complaint and makes them part of this Fifth Cause of Action, as if fully set forth herein.

6 45. Ownership and operation of a motel is a business. When the owner of such a
7 business violates the NAL and/or PNL such that a nuisance exists and flourishes at the
8 business' premises, as set forth herein, it is also a violation of the UCL.

9 46. 4 Star Defendants and DOES 1 through 50 have violated the UCL by engaging in
10 the following unlawful or unfair business acts and practices: conducting, maintaining, and/or
11 permitting, directly or indirectly, narcotics activity at 4 Star amounting to violations of the NAL
12 as alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly,
13 narcotics and other criminal and nuisance activity at 4 Star, as alleged herein, in violation of
14 the PNL.

15 47. Plaintiff has no adequate remedy at law, and unless 4 Star Defendants and
16 DOES 1 through 50 are restrained by this Court and a receiver is appointed to manage 4 Star,
17 they will continue to commit unlawful business practices or acts, thereby causing irreparable
18 injury and harm to the public's welfare.

19 XI. **SIXTH CAUSE OF ACTION FOR UNFAIR COMPETITION – SHOWTIME**
20 **[Business and Professions Code Section 17200, et seq. – Against Showtime Defendants**
21 **and DOES 1 Through 50]**

22 48. Plaintiff hereby incorporates by reference paragraphs 1 through 47 of this
23 Complaint and makes them part of this Sixth Cause of Action, as if fully set forth herein.

24 49. Ownership and operation of a motel is a business. When the owner of such a
25 business violates the NAL and/or PNL such that a nuisance exists and flourishes at the
26 business' premises, as set forth herein, it is also a violation of the UCL.

27 50. Showtime Defendants and DOES 1 through 50 have violated the UCL by
28 engaging in the following unlawful or unfair business acts and practices: conducting,

maintaining, and/or permitting, directly or indirectly, narcotics activity at Showtime amounting to violations of the NAL as alleged herein; and/or conducting, maintaining, and/or permitting, directly or indirectly, narcotics and other criminal and nuisance activity at Showtime, as alleged herein, in violation of the PNL.

51. Plaintiff has no adequate remedy at law, and unless Showtime Defendants and DOES 1 through 50 are restrained by this Court and a receiver is appointed to manage Showtime, they will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

1. That 4 Star Defendants, DOES 1 through 50, and 4 Star, be declared in violation of California Health and Safety Code section 11570, *et seq.*

2. That the Court order 4 Star Defendants, as the business and property owners of 4 Star, to reside at 4 Star until the nuisance is abated, in accordance with California Health and Safety Code section 11573.5.

3. That 4 Star, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with section 11581 of the California Health and Safety Code.

4. That the Court grant a preliminary injunction, permanent injunction, and order of abatement in accordance with section 11570, *et seq.* of the California Health and Safety Code, enjoining and restraining each Defendant and their agents, officers, employees, and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on 4 Star.

5. That the Court order physical and managerial improvements to 4 Star in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on 4 Star and enhance the abatement process,

1 including but not limited to, the following: an internet-connected video monitoring system
2 accessible by LAPD; improved lighting; improved screening of tenants; the removal of any
3 gates that were installed in violation of the Los Angeles Municipal Code and any other
4 applicable rules and regulations; and armed, licensed security guards.

5 6. That as part of the Judgment, an Order of Abatement be issued, and that 4 Star
6 be closed for a period of one year, not to be used for any purpose, and be under the control
7 and custody of this Court for said period of time, or, in the alternative, if the Court deems such
8 closure to be unduly harmful to the community, that 4 Star Defendants, and DOES 1 through
9 50, pay an amount equal to the fair market rental value of 4 Star for one year to the City or
10 County in whose jurisdiction the nuisance is located in accordance with Health and Safety
11 Code section 11581 subdivision (c)(1).

12 7. That each 4 Star Defendant be assessed a civil penalty in an amount not to
13 exceed twenty-five thousand dollars (\$25,000.00).

14 8. That all fixtures and moveable property used in conducting, maintaining, aiding,
15 or abetting the nuisance at 4 Star be removed by the LAPD and sold in the manner provided
16 for the sale of chattels under execution. Said fixtures and property shall be inventoried and a
17 list prepared and filed with this Court.

18 9. That there shall be excepted from said sale, such property to which title is
19 established in some third party not a defendant, nor agent, officer, employee or servant of any
20 defendant in this proceeding.

21 10. That the proceeds from said sale be deposited with this Court for payment of the
22 fees and costs of sale. Such costs may occur in closing 4 Star and keeping it closed, removal
23 of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such other
24 costs as the Court shall deem proper.

25 11. That if the proceeds of the sale do not fully discharge all such costs, fees, and
26 allowances, 4 Star shall also be sold under execution issued upon the order of the Court or
27 judge and the proceeds of such sale shall be applied in a like manner, and that any excess
28 monies remaining after payment of approved costs shall be delivered to the owner of 4 Star.

1 Ownership shall be established to the satisfaction of this Court.

2 12. That 4 Star Defendants, DOES 1 through 50, and any agents, trustees, officers,
3 employees, and anyone acting on their behalf, and their heirs and assignees, be perpetually
4 enjoined from transferring, conveying, or encumbering any portion of 4 Star, for consideration
5 or otherwise, without first obtaining the Court's prior approval.

6 13. That 4 Star Defendants, and DOES 1 through 50, be ordered to immediately
7 notify any transferees, purchasers, commercial lessees, or other successors in interest to 4
8 Star of the existence and application of any temporary restraining order, preliminary injunction,
9 or permanent injunction to all prospective transferees, purchasers, commercial lessees, or
10 other successors in interest, *before* entering into any agreement to sell, lease, or transfer 4
11 Star, for consideration or otherwise, all or any portion of 4 Star that is the subject of this Action.

12 14. That 4 Star Defendants, and DOES 1 through 50, be ordered to immediately give
13 a complete, legible copy of any temporary restraining order and preliminary and permanent
14 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
15 of 4 Star.

16 15. That 4 Star Defendants, and DOES 1 through 50, be ordered to immediately
17 request and procure signatures from all prospective transferees, purchasers, lessees, or other
18 successors in interest to 4 Star, which acknowledges his/her respective receipt of a complete,
19 legible copy of any temporary restraining order, preliminary and permanent injunction, and
20 deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy
21 City Attorney Rahi Azizi or his designee.

22 16. That Plaintiff recover the costs of this Action, including law enforcement
23 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
24 \$1,000,000.00, from 4 Star Defendants and DOES 1 through 50.

25 AS TO THE SECOND CAUSE OF ACTION

26 1. That Showtime Defendants, DOES 1 through 50, and Showtime, be declared in
27 violation of California Health and Safety Code section 11570, *et seq.*

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1 2. That the Court order Showtime Defendants, as the business and property owners
2 of Showtime, to reside in Showtime until the nuisance is abated, in accordance with California
3 Health and Safety Code section 11573.5.

4 3. That Showtime, together with the fixtures and moveable property therein and
5 thereon, be found to constitute a public nuisance and be permanently abated as such in
6 accordance with section 11581 of the California Health and Safety Code.

7 4. That the Court grant a preliminary injunction, permanent injunction, and order of
8 abatement in accordance with section 11570, *et seq.* of the California Health and Safety Code,
9 enjoining and restraining each Showtime Defendant and their agents, officers, employees, and
10 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
11 or giving away controlled substances on Showtime.

12 5. That the Court order physical and managerial improvements to Showtime in
13 accordance with California Health and Safety Code section 11573.5, and such orders as are
14 otherwise appropriate, to remedy the nuisance on Showtime and enhance the abatement
15 process, including but not limited to, the following: an internet-connected video monitoring
16 system accessible by LAPD; improved lighting; improved screening of tenants; and armed,
17 licensed security guards.

18 6. That as part of the Judgment, an Order of Abatement be issued, and that
19 Showtime be closed for a period of one year, not to be used for any purpose, and be under the
20 control and custody of this Court for said period of time, or, in the alternative, if the Court
21 deems such closure to be unduly harmful to the community, that Showtime Defendants and
22 DOES 1 through 50, pay an amount equal to the fair market rental value of Showtime for one
23 year to the City or County in whose jurisdiction the nuisance is located in accordance with
24 Health and Safety Code section 11581 subdivision (c)(1).

25 7. That each Showtime Defendant be assessed a civil penalty in an amount not to
26 exceed twenty-five thousand dollars (\$25,000.00).

27 8. That all fixtures and moveable property used in conducting, maintaining, aiding,
28 or abetting the nuisance at Showtime be removed by LAPD and sold in the manner provided

1 for the sale of chattels under execution. Said fixtures and property shall be inventoried and a
2 list prepared and filed with this Court.

3 9. That there shall be excepted from said sale, such property to which title is
4 established in some third party not a defendant, nor agent, officer, employee or servant of any
5 defendant in this proceeding.

6 10. That the proceeds from said sale be deposited with this Court for payment of the
7 fees and costs of sale. Such costs may occur in closing Showtime and keeping it closed,
8 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
9 other costs as the Court shall deem proper.

10 11. That if the proceeds of the sale do not fully discharge all such costs, fees, and
11 allowances, Showtime shall also be sold under execution issued upon the order of the Court or
12 judge and the proceeds of such sale shall be applied in a like manner, and that any excess
13 monies remaining after payment of approved costs shall be delivered to the owner of
14 Showtime. Ownership shall be established to the satisfaction of this Court.

15 12. That Showtime Defendants, DOES 1 through 50, and any agents, trustees,
16 officers, employees, and anyone acting on their behalf, and their heirs and assignees, be
17 perpetually enjoined from transferring, conveying, or encumbering any portion of Showtime, for
18 consideration or otherwise, without first obtaining the Court's prior approval.

19 13. That Showtime Defendants, and DOES 1 through 50, be ordered to immediately
20 notify any transferees, purchasers, commercial lessees, or other successors in interest of
21 Showtime of the existence and application of any temporary restraining order, preliminary
22 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
23 lessees, or other successors in interest, *before* entering into any agreement to sell, lease, or
24 transfer Showtime, for consideration or otherwise, all or any portion of Showtime that is the
25 subject of this Action.

26 14. That Showtime, and DOES 1 through 50, be ordered to immediately give a
27 complete, legible copy of any temporary restraining order and preliminary and permanent
28 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest

1 to Showtime.

2 15. That Showtime Defendants, and DOES 1 through 50, be ordered to immediately
3 request and procure signatures from all prospective transferees, purchasers, lessees, or other
4 successors in interest to Showtime, which acknowledges his/her respective receipt of a
5 complete, legible copy of any temporary restraining order, preliminary and permanent
6 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
7 Office, c/o Deputy City Attorney Rahi Azizi or his designee.

8 16. That Plaintiff recover the costs of this Action, including law enforcement
9 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
10 \$1,000,000.00, from Showtime Defendants and DOES 1 through 50.

11 AS TO THE THIRD CAUSE OF ACTION

12 1. That 4 Star, together with the fixtures and moveable property therein and
13 thereon, be declared a public nuisance and be permanently abated as such in accordance with
14 California Civil Code section 3491.

15 2. That each 4 Star Defendant and their agents, officers, employees, and anyone
16 acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
17 from operating, conducting, using, occupying, or in any way permitting the use of 4 Star as a
18 public nuisance. Such orders should include, but not be limited to physical and managerial
19 improvements to 4 Star, and such other orders as are appropriate to remedy the nuisance on 4
20 Star and enhance the abatement process.

21 3. Such costs as may occur in abating said nuisance at 4 Star and such other costs
22 as the Court shall deem just and proper.

23 4. That Plaintiff be granted such other and further relief as the Court deems just and
24 proper, including closure and/or demolition of 4 Star.

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1 AS TO THE FOURTH CAUSE OF ACTION

2 1. That Showtime, together with the fixtures and moveable property therein and
3 thereon, be declared a public nuisance and be permanently abated as such in accordance with
4 California Civil Code section 3491.

5 2. That each Showtime Defendant and their agents, officers, employees, and
6 anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually
7 enjoined from operating, conducting, using, occupying, or in any way permitting the use of
8 Showtime as a public nuisance. Such orders should include, but not be limited to physical and
9 managerial improvements to Showtime, and such other orders as are appropriate to remedy
10 the nuisance on Showtime and enhance the abatement process.

11 3. Such costs as may occur in abating said nuisance at Showtime and such other
12 costs as the Court shall deem just and proper.

13 4. That Plaintiff be granted such other and further relief as the Court deems just and
14 proper, including closure and/or demolition of Showtime.

15 AS TO THE FIFTH CAUSE OF ACTION

16 1. That 4 Star Defendants be declared in violation of Business and Professions
17 Code section 17200.

18 2. That 4 Star Defendants, as well as their agents, heirs, successors, and anyone
19 acting on their behalves, be permanently enjoined from maintaining, operating, or permitting
20 any unlawful or unfair business acts or practices in violation of Business and Professions Code
21 section 17200.

22 3. That the Court grant a preliminary and/or permanent injunction prohibiting 4 Star
23 Defendants, as well as their agents, heirs, successors, and anyone acting on their behalves,
24 from engaging in the unlawful or unfair acts and/or practices described herein at 4 Star and in
25 the City of Los Angeles. Such orders should include physical and managerial improvements to
26 4 Star.

27 4. That, pursuant to Business and Professions Code section 17206, each 4 Star
28 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

1 5. That, pursuant to the Court's equitable power and Business and Professions
2 Code section 17203, the Court make such orders or judgments, including appointment of a
3 receiver, to eliminate the unlawful or unfair competition alleged herein.

4 AS TO THE SIXTH CAUSE OF ACTION

5 1. That Showtime Defendants be declared in violation of Business and Professions
6 Code section 17200.

7 2. That Showtime Defendants, as well as their agents, heirs, successors, and
8 anyone acting on their behalves, be permanently enjoined from maintaining, operating, or
9 permitting any unlawful or unfair business acts or practices in violation of Business and
10 Professions Code section 17200.

11 3. That the Court grant a preliminary and/or permanent injunction prohibiting
12 Showtime Defendants, as well as their agents, heirs, successors, and anyone acting on their
13 behalves, from engaging in the unlawful or unfair acts and/or practices described herein at
14 Showtime and in the City of Los Angeles. Such orders should include physical and managerial
15 improvements to Showtime.

16 4. That, pursuant to Business and Professions Code section 17206, each Showtime
17 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

18 5. That, pursuant to the Court's equitable power and Business and Professions
19 Code section 17203, the Court make such orders or judgments, including appointment of a
20 receiver, to eliminate the unlawful or unfair competition alleged herein.

21 AS TO ALL CAUSES OF ACTION

22 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
23 the service of process or notices which would have been paid but for Government Code
24 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
25 amount of the fees for certifying and preparing transcripts.

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1 2. That Plaintiff be granted such other and further relief as the Court deems just and
2 proper.

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4 DATED: April 14, 2017

Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 MARY CLARE MOLITOR, Chief, Crim. & Spec. Lit. Branch
7 JONATHAN CRISTALL, Supervising Assist. City Attorney
8 JENNIFER VARELA, Deputy City Attorney
9 NANCY C. HAGAN, Deputy City Attorney
10 RAHI AZIZI, Deputy City Attorney

11 By:



12 RAHI AZIZI, Deputy City Attorney
13 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
14 OF CALIFORNIA
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